

2ND ATTEMPT

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PATENT
YOR919980308US1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Hedrick, et al.
Serial Number	:	09/129,737
Filing Date	:	August 5, 1998
Examiner	:	Shewareged, B.
Group Art Unit	:	1774
For	:	CHEMICALLY AND OPTICALLY STABLE CARBON FILMS

TO: The Honorable Commissioner of Patents
and Trademarks
Post Office Box 1450
Alexandria, VA 22313-1450

Attn: Senior Petitions Attorney, Christina Tartera Donnell

PETITION

This petition is filed pursuant to 37 CFR §1.181 and MPEP 711.03(c)II to withdraw the holding of abandonment with respect to the above-identified application.

Applicants' attorney received a *Notice of Abandonment* dated January 16, 2008 with respect to the above-identified application. Applicants' attorney checked his file wrapper on the above-identified application and found that the most recent paper in said file is dated July 5, 2007. This paper is a *Decision on Petition* withdrawing a prior holding of abandonment in this application. There are no other later-received papers present in said file.

Applicants' attorney then contacted Senior Petitions Attorney, Christina Tartera Donnell, the Examiner responsible for issuing the *Decision...* in this application, referred to above. She confirmed to Applicants' attorney that the case had been abandoned for failure to pay the final fee.

Applicants' Attorney, the undersigned, is filing this petition promptly after receiving notice that the above-identified application was abandoned.

THOMAS A. BECK, the undersigned declares as follows in support of this Petition:

1. I am attorney of record in the above-identified application.
2. I received a *Notice of Abandonment* dated January 16, 2008 with respect to the above-identified application.
3. Upon receipt of the *Notice of Abandonment*, I checked my office file containing the papers relating to the instant application and I found that the most recent paper in the file is dated July 5, 2007. Said paper is a *Decision on Petition* withdrawing a prior holding of abandonment in the instant application.
4. I did have a prior address of record in this case of 26 Rockledge Lane, New Milford, CT 06776 in the United States Patent and Trademark Office until I submitted a change of address to my Glendale office address in a paper entitled "*Resubmission of Petition*" on March 1, 2007. I thus expected that all future correspondence from the United States Patent and Trademark Office would be sent to me at my present address, as was the *Notice of Abandonment* noted above.
5. I telephoned Senior Petitions Attorney Tartera Donnell, in the Petitions Branch of the United States Patent and Trademark Office on January 31, 2008, as she had prior knowledge of this case since she issued the *Decision on Petition* referred to above. She confirmed to me that the instant application had been abandoned for failure to pay the final fee.
6. I indicated during my telephone conversation with Senior Petitions Attorney Tartera Donnell, that I had checked the file-wrapper for this application located in my office and found no *Notice of Allowance* papers comprising PTOL Form 85B, the *Issue Fee* transmittal form and other papers related thereto in my file.
7. I declare unequivocally that I never received the papers comprising PTOL Form 85B, the *Issue Fee* transmittal form etc. relating to the instant application that were allegedly sent to me, on information and belief, sometime in August 2007 by the United States Patent and Trademark Office.
8. To maintain a docket control of "due dates" for patent applications which I am prosecuting, it is my strict practice, immediately upon receipt of a paper that requires a timely response from the United States Patent and Trademark Office, to enter the docket number and the specific action required in the specific day space provided for on the appropriate monthly calendar sheet, which calendar is under my exclusive custody and control.

9. I have no independent knowledge when the Issue Fee Transmittal form PTOL85B was mailed (or would have been mailed to me) so I do not have a date certain when that fee was, or would have been, due and payable. If it were/was mailed in August 2007, which I am advised was the case, the final fee would have been payable in the month of November 2007.

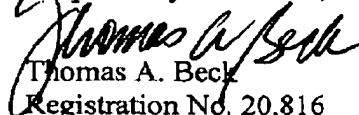
10. My docket number for the instant application is IBM-156. I enclose a copy of my calendar sheets for the month of November 2007 (*Attachments 1A and 1B*) to corroborate that there is no entry relating to such docket number found on the enclosed sheets. In accordance with my practice of entering "due dates" into the enclosed docket control calendar sheet, if I had received the aforementioned *Notice of Allowance and Issue Fee Due*, an entry (e.g. "IBM-156 - Final Fee Due") would appear in the space corresponding to the specific date on the calendar sheet upon which the response was due.

11. In May of 2007, I moved my office from Connecticut to Glendale, Arizona and during the ensuing months, I have filed "*Change of Address*" notices in many other applications pending before the United States Patent and Trademark Office. As I noted in paragraph 4 above, I did file a "*Change of Address*" request in connection with the instant application. The fact that I did not receive the *Notice of Allowance...* forms relating to this application when dispatched to me at the Glendale, Arizona address is a singularly unique occurrence. There is no history pattern of non-delivery by or misdelivery from the United States Postal Service with respect to actions sent to me as, on no occasion have I had an application abandoned while at my Glendale address due to non-receipt of an Official Action. I received the *Notice of Abandonment* in this application at the 6136 West Kimberly Way, Glendale, AZ 85308 address as it was set forth on the change of address paper submitted in March, so I should have received the *Notice of Allowance...* forms relating to this application when dispatched to me.

12. The Commissioner is requested: to revive the above-identified application by withdrawing the holding of abandonment in the instant application. Applicants submit herewith a *Notice of Allowance and Fees Due* form PTOL85B which they have prepared, and request and authorize the Commissioner to charge any fees due in this matter to Deposit Account 50-0510. Upon withdrawal of the holding of abandonment, please send this form to the Issue Branch of the United States Patent and Trademark Office.

FURTHER THE DECLARANT SAYETH NOT

Respectfully Submitted,

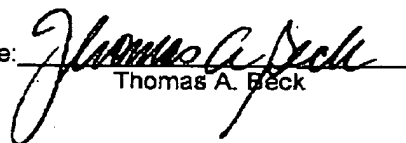

Thomas A. Beck

Registration No. 20,816
6136 West Kimberly Way
Glendale, AZ 85308-7627
Telephone (623) 466-0080

I hereby certify that this petition with attachments submitted pursuant to 37 CFR §1.181 and MPEP 711.03(c)II to withdraw the holding of abandonment with respect to the above-identified application is being telefaxed on the date indicated below to (571) 273-8300, addressed to Commissioner of Patents & Trademarks, Post Office Box 1450, Alexandria, VA 22313-1450

Signature:

Name:


Thomas A. Beck

Date: February 1, 2008

2007

November

OCTOBER 2007
S M T W T F S
1 2 3 4 5 6
7 8 9 10 11 12 13
14 15 16 17 18 19 20
21 22 23 24 25 26 27
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NOVEMBER 2007
S M T W T F S
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DECEMBER 2007
S M T W T F S
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JANUARY 2008
S M T W T F S
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13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30 31

FEBRUARY 2008
S M T W T F S
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17 18 19 20 21 22 23
24 25 26 27 28 29

MARCH 2008
S M T W T F S
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23 24 25 26 27 28 29
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APRIL 2008
S M T W T F S
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13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30

MAY 2008
S M T W T F S
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11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30 31

SUNDAY	MONDAY	TUESDAY
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Important this month

WEDNESD.

4
Daylight Saving Time Ends

5 IBM 156
CHECK STATUS

6
Election Day

7

11
Veterans Day
Remembrance Day (Canada)

12 IBM 247 DW 13
ANDT DUE 1 MONTH

14 IBM 21
AMEND AS FILE
06/13/07 W ROTO

18

19 IBM 264
10/6/05, 139 140 ED

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ATTACHMENT 18